

**Baker & Hostetler LLP**

45 Rockefeller Plaza  
New York, NY 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan, Esq.  
Nicholas J. Cremona, Esq.

127 Public Square, Suite 2000  
Cleveland, Ohio 44114-1214  
Telephone: (216) 621-0200  
Facsimile: (216) 696-0740

Brett A. Wall (*admitted pro hac vice*)  
David F. Proaño (*admitted pro hac vice*)  
Kenneth G. Prabucki (*admitted pro hac vice*)  
Darren A. Crook (*admitted pro hac vice*)

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and for the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ESTATE OF ALICE BARBANEL, ESTATE OF  
HERBERT BARBANEL, AND LEWIS  
BARBANEL, as Personal Representative of the  
Estate of Alice Barbanel and the Estate of Herbert  
Barbanel,

Defendants.

Adv. Pro. No. 10-04321 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY  
DISMISSAL OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and Defendants the Estate of Alice Barbanel, the Estate of Herbert Barbanel (collectively, the “Barbanel Estates”), and Lewis Barbanel, as Personal Representative of the Barbanel Estates (the “Personal Representative”), by and through their counsel, Helen Davis Chaitman, Chaitman LLP, and Marc A. Landis, Phillips Nizer LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On November 26, 2010, the Trustee filed and served the Complaint against Herbert Barbanel and Alice Barbanel.
2. On August 13, 2015, the defendants served an answer on the Trustee.
3. Herbert Barbanel and Alice Barbanel died during the pendency of this adversary proceeding. The respective estates of the decedents, the Barbanel Estates, and the Personal Representative were substituted as parties pursuant to stipulations between the Parties.
4. On September 21, 2018, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181].

5. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee's claims against Defendants in the above-captioned adversary proceeding and dismissal of the adversary proceeding with prejudice.

6. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

7. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic, or electronic copy of this Stipulation shall be deemed an original.

**[signatures on following page]**

Dated: September \_\_\_, 2018  
New York, New York

**BAKER & HOSTETLER LLP**

By: /s/ Nicholas J. Cremona  
David J. Sheehan, Esq.  
Email: dsheehan@bakerlaw.com  
Nicholas J. Cremona, Esq.  
Email: ncremona@bakerlaw.com  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: 212.589.4200  
Facsimile: 212.589.4201

Brett A. Wall, Esq.  
Email: bwall@bakerlaw.com  
David F. Proaño, Esq.  
Email: dproano@bakerlaw.com  
Kenneth G. Prabucki, Esq.  
Email: kprabucki@bakerlaw.com  
Darren A. Crook  
Email: dcrook@bakerlaw.com  
Key Tower  
127 Public Square, Suite 2000  
Cleveland, Ohio 44114-1214  
Telephone: 216.621.0200  
Facsimile: 216.696.0740

*Attorneys for Plaintiff Irving H. Picard,  
Trustee for the Liquidation of Bernard L.  
Madoff Investment Securities LLC and for  
the Estate of Bernard L. Madoff*

**CHAITMAN LLP**

By: /s/ Helen Davis Chaitman (per email auth.)  
Helen Davis Chaitman, Esq.  
Email: hchaitman@chaitmanllp.com  
465 Park Avenue  
New York, New York 10022  
Phone and Fax: 888.759.1114

**PHILLIPS NIZER LLP**

By: /s/ Marc A. Landis (per email auth.)  
Marc A. Landis, Esq.  
Email: mlandis@phillipsnizer.com  
485 Lexington Avenue  
New York, New York 10017  
Telephone: 212.841.0705

*Attorneys for Defendants Estate of Alice  
Barbanel, Estate of Herbert Barbanel, and Lewis  
Barbanel, in his capacities as Personal  
Representative of the Estate of Alice Barbanel  
and of the Estate of Herbert Barbanel*

SO ORDERED.

Dated: **September 27, 2018**  
New York, New York

/s/ STUART M. BERNSTEIN  
HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE